

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-29 were pending prior to the Office Action. Claims 11, 24 and 26 are canceled and claims 30-36 are added in this Reply. Therefore, claims 1-10, 12-23, 25 and 27-36 are pending. Claims 1, 5, 6, 8 and 30 are independent.

ALLOWABLE CLAIM

Applicant thanks the Examiner for indicating that claim 6 is allowable.

§ 102 REJECTION – OKINO

Claims 1-4, 8-11, 15-20 and 27-28 stand rejected under 35 USC 102(b) as allegedly being anticipated by Okino et al. (USP 5,214,516). The rejection with respect to claim 11 is rendered moot. With respect to the remaining claims, Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

For example, independent claim 1 recites, in part, “wherein the second function is at least one of an external device communication function, a battery

charging function or a moving image-capturing function” and “wherein indicating the external device communication function has priority over indicating the moving image-capturing function.” It is respectfully submitted that Okino cannot teach or suggest this feature. For at least this reason, claim 1 is distinguishable over Okino.

Independent claim 8 recites, in part, “wherein the second function further includes at least one of communications processing, audio recording, and voice memo processing” and “wherein the step of indicating the communications processing has priority over the step of indicating the self-timer image-capturing function. Again, it is respectfully submitted that Okino cannot teach or suggest this feature. For at least this reason, claim 8 is distinguishable over Okino.

Claims 2-4, 9-10, 15-20 and 27-28 depend from independent claims 1 and 8 directly or indirectly. Therefore, for at least due to the dependency thereon as well on their own merits, these dependent claims are also distinguishable over Okino.

Applicant respectfully requests that the rejection of claims 1-4, 8-11, 15-20 and 27-28 based on Okino be withdrawn.

§ 103 REJECTION – OKINO, OHMURA

Claims 12-14, 21 and 26 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Okino in view of Ohmura et al. (US Publication 2003/0011702). The rejection with respect to claim 26 is rendered moot. With respect to the remaining claims, Applicant respectfully traverses.

Claims 12-14 and 21 depend from independent claims 1 and 8, and it is demonstrated above that claims 1 and 8 are distinguishable over Okino. Ohmura is not relied upon to correct for at least the above noted deficiencies of Okino. Therefore, claims 1 and 8 are also distinguishable over the combination of Okino and Ohmura. Then for at least due to the dependency thereon, claims 12-14 and 21 are also distinguishable over the combination of Okino and Ohmura.

In addition, the Examiner's response to Applicant's arguments submitted in the Reply filed on November 23, 2005 is in error. The November 23, 2005 Reply was submitted in response to the Examiner's Office Action dated August 24, 2005. In the August 24, 2005 Office Action, the Examiner rejected claims 12-14 under the same combination of Okino and Ohmura. In that Office Action, the Examiner admitted that Okino does not teach or suggest the feature of battery charge processing as recited in claim 8.

In the November 23, 2005 Reply, Applicant pointed out that Ohmura teaches charging the battery of the digital camera 6 only when the digital

camera 6 is mounted to the docking station 5. Further, Ohmura teaches only that the LED 5m **of the docking station 5** is used to indicate the state of battery charging.

Thus, one of ordinary skill would only be motivated to provide a docking station with the LED built into the docking station so that the battery charging operation can be indicated. One of ordinary skill would **not** be motivated to alter the indicator LED of the camera itself as the claims require.

The Examiner stated, "For clarification, the Examiner was using Okino to show moving image-capturing. The Examiner was not relying on Okino to teach battery charge processing, as the Applicant suggests." *See Final Office Action, page 4.*

First, Applicant was not suggesting that the Examiner relied on Okino to teach the battery charge processing. To the contrary, Applicant clearly agreed with the Examiner the Okino cannot teach or suggest such a feature.

Second, claims 12-14 were rejected based on Okino and Ohmura. M.P.E.P. clearly requires that when a Section 103 rejection is made based on a combination of the references, the suggestion or motivation to modify the reference(s) as the Examiner proposes must be found within the reference(s) themselves. *See M.P.E.P. 2143.01.* Each cited reference must be considered in its entirety including disclosures that teach away from the claimed invention.

See *M.P.E.P. 2141.02*. If the cited reference(s) teach away from the claimed invention, then the combination is improper and the rejection must fail.

In this instance, it is clear that Okino teaches indicating battery charging via LED on the docking station and **not** via an indicator on the digital camera as the claims require. In other words, Ohmura teaches away from the present invention. Then by definition, there is no motivation to combine Okino with Ohmura and any rejection based on the combination is improper.

Furthermore, Ohmura teaches using LED 5k of the docking station 5 to indicate that the content of the memory of the camera 6 is being transferred and teaches using LED 5m (of the same docking station 5) to indicate that the battery of the camera 6 is being charged. See *Ohmura*, paragraphs [0117] and [0120]. In other words, Ohmura teaches using separate LEDs to indicate different functions. This is also contrary to the feature of the invention as claimed where the same indicating device located in the front of the camera is used to indicate the different functions.

For at least the above stated reasons, claims 12-14 and 21 are distinguishable over Okino and Ohmura. Applicant respectfully requests that the rejection of claims 12-14, 21 and 26 based on Okino and Ohmura be withdrawn.

§ 103 REJECTION – OKINO, MATSUO, OHMURA

Claims 5, 7 and 22-25 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Okino in view of Matsuo (US Patent 6,526,293) and in further view of Ohmura. The rejection with respect to claim 24 is rendered moot. With respect to the remaining claims, Applicant respectfully traverses.

Independent claim 5 recites, in part “wherein the first indicating device indicates the two-way communication with the external device and the indication of the two-way communication has priority over the indication of the self-timer image-capturing function.” It is respectfully submitted that none of Okino, Matsuo and Ohmura teaches or suggests at least this feature.

Also, in the Final Office Action, the Examiner relies upon Ohmura to disclose the feature of the digital camera having a charging function by voltage source input from the power output of the cradle. But as clearly demonstrated above, one of ordinary skill would **not** modify the camera itself to include the battery charging operation. In addition, Okino and Ohmura are not combinable.

Therefore, for at least the reasons stated above, claim 5 is distinguishable over the combination of Okino, Matsuo and Ohmura. Claims 7 and 22-23 depend from claim 5. Then for at least due to the dependency thereon as well as on their own merit, claims 7 and 22-23 are also distinguishable over the combination of Okino, Matsuo and Ohmura.

Claim 25 depends from independent claim 8 and it is demonstrated above that claim 8 is distinguishable over Okino and Ohmura. Matsuo is not relied upon to correct for at least the above-noted deficiencies of Okino and Ohmura. For at least this reason, claim 8 and the dependent claim 25 are distinguishable over the combination of Okino, Matsuo and Ohmura.

Applicant respectfully requests that the rejection of claims 5, 7 and 22-25 based on Okino, Matsuo and Ohmura be withdrawn.

NEW CLAIMS

Claims 30-36 are added through this Reply. No new matter is presented. It is respectfully submitted that the new claims are distinguishable over the cited references individually or in any combination. Applicant respectfully request that the new claims be allowed.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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